



**PHILIPPINE
COMPETITION
COMMISSION**

Ensuring businesses compete and consumers benefit

PHILIPPINE COMPETITION BULLETIN

OFFICIAL NEWSLETTER OF THE PHILIPPINE COMPETITION COMMISSION

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PCC CELEBRATES FIRST ANNIVERSARY

The Philippine Competition Commission (PCC) marked its first founding anniversary last February 1, 2017.

PCC Chairman Arsenio M. Balisacan, together with the Commissioners, officials, and staff, welcomed guests from key government agencies, sector regulators, development partners, and the media. Among those who expressed their message of support to the PCC were Department of Budget and Management (DBM) Secretary Benjamin Diokno and Asian Development Bank Country Director Richard Bolt.

In his welcome remarks, Chairman Balisacan noted that the Commission has gained much ground in carrying out its mandate under the Philippine Competition Act in

just a year. However, while proud of these early achievements, he emphasized that the PCC continues to face challenges that need to be addressed moving forward.

He emphasized the need to fine-tune and nuance international best practices to suit the context of developing countries like the Philippines. He likewise underscored the need to intensify the PCC's advocacy campaigns to introduce the Commission and its work to the general public.

Chairman Balisacan also expressed the PCC's appreciation of the support extended by partners in government, private sector, academe, media, and the general public.

Secretary Diokno congratulated the PCC and affirmed the full support of the DBM to the PCC. In his keynote address, Sec. Diokno underscored the important role of the PCC in realizing the Administration's 0+10 Point Socioeconomic Agenda, stressing that "competition policy doubles as a poverty-reduction tool that improves ease of doing business."



HOUSE LOOKS TO AMEND 81-YEAR-OLD PUBLIC SERVICE ACT

The Philippine Competition Commission (PCC) supports the proposed amendment of certain provisions of the 1936 Public Service Act (Commonwealth Act No. 146) as it actively participated in the House of Representatives—Committee on Economic Affairs hearing held on February 21, 2017. The PCC was asked by the Committee to provide its insights on the proposed bills (e.g. House Bills 4389, 4468, and 4501) to amend the 80-year old law.

Commissioner Johannes Benjamin R. Bernabe and senior lawyer Atty. Ma. Mercedes Torrijos represented the PCC during the hearing. The PCC expounded on issues such as the definition of public utility and rate of return. “To begin with, the Public Service Act is antiquated. It still refers to certain business activities such as ice plants and canals as public services or public utilities. With the current economic

and business landscape, it is time to update the list of business activities considered as public utilities,” said Commissioner Bernabe.

Atty. Torrijos added that “the House Bill declassifies certain industries from the definition of ‘public utilities’ which, under the Constitution, are limited to the 60-40 Filipino-foreign ownership Rule.”

The proposal is for public utilities to be exclusively limited to four (4) industries, namely: (1) electric power transmission or distribution, (2) water pipeline distribution, (3) gas or petroleum pipeline distribution system and (4) sewerage pipeline system. Hence, all other industries previously classified by statutes as public utilities will no longer be subject to the 60-40 rule.

“This means that key industries such as transportation and telecommunications,

may now be fully foreign-owned,” said Atty. Torrijos.

The hearing was attended by representatives from the Department of Information and Communications Technology, Department of Transportation, Land Transportation Franchising and Regulatory Board, Land Transportation Office, Civil Aeronautics Board, Civil Aviation Authority of the Philippines, Philippine Ports Authority, Maritime Industry Authority, National Telecommunications Commission, Department of Energy, Department of Environment and Natural Resources, National Water Resources Board, Local Water Utilities Administration, UP Law Center, Securities and Exchange Commission, Manila Electric Company, and Joint Foreign Chambers.

PUBLIC HEARING ON TELCO INDUSTRY TACKLES SUFFICIENCY OF CURRENT REGULATIONS

The Philippine Competition Commission (PCC) was invited to attend the second and final public hearing conducted by the Senate on the regulation of the telecommunications industry in the country on January 26, 2017. The hearing tackled the sufficiency of current regulations regarding the operation of businesses in the industry.

PCC Spokesperson Atty. Leonila Papa explained the role and responsibilities of the Commission in upholding public interest through competition. “The PCC is the primary government agency responsible for ensuring that there is fair market competition in all sectors of the Philippines,” said Atty. Papa.

Director Krystal Uy-Sia of the PCC’s Mergers and Acquisitions Office also shared her insights regarding the regulation of industries. “Access to essential facilities is an important driver of competition growth. It should be open, transparent, and non-discriminatory,” she added.

The hearing was conducted by the Senate Committee on Economic Affairs, led by Senator Sherwin Gatchalian, in compliance with Senate Resolution No. 213, which reads as: “Resolution directing the appropriate Senate Committee to conduct an inquiry, in aid of legislation, to generate evidentiary data to establish the economic effects upon the consumer in particular, and the national economy in general, on the present model of operation and regulation of the telecommunications industry, to the end in view of recommending policy to strengthen key economic reforms that are consistent with the country’s medium-term development plan and long-term vision and protective of the interests of consumers in a robust economy that is fostered by free competition and inclusive growth.”

Other resource persons present during the hearing include Atty. Gian Camacho (Chief, PCC Legal Division), Atty. Froilan Castelo (General Counsel, Globe Telecom), Emmanuel Estrada (VP for Tech Service Design, Globe Telecom), Yolanda Crisanto (VP for Corporate Communications, Globe Telecom), Atty. Ariel Tubayan (Policy Division

Head, Globe Telecom), Atty. Manuel Casiño (VP for Advocacy, Globe), Atty. Roy Ibay (Smart Communications), Alfredo Carrera (Smart Communications), Dir. Theresa Garcia (Department of Information and Communications Technology/DICT), Asec. John Henry Naga (DICT), Deputy Commissioner Edgardo Cabarrios (National Telecommunications Commission/NTC), Engr. Imelda Walciem (NTC Regulation branch), Atty. Kristoffer Stanley Cabrera (Federation of International Cable T.V. Association of the Philippines/FICTAP), Atty. Paul Heherson Balite (Deputy Executive Director, Philippine Rural Electric Cooperatives Association Inc./PHILRECA), Winthrop Yu (Chairperson, Internet Society-Philippine Chapter), Engr. Pierre Galla (DemocracyNetPH), and Tonyo Cruz (Ttxtpower).

BUSINESS AND CONSUMER GROUPS JOIN PUBLIC FORUM ON PHILIPPINE COMPETITION ACT

Two public fora on the Philippine Competition Act (PCA) was held on March 23 and 24 in Quezon City and Makati City, respectively, to raise awareness and provide insights for stakeholders regarding the benefits of competition for both businesses and consumers, as well as the Philippine Competition Commission's (PCC) role in making markets work for every Filipino.

As a game-changing legislation, the PCA aims to foster a culture of competition in the Philippine business landscape—a gargantuan responsibility that the PCC cannot fulfill by itself, PCC Chairman Arsenio M. Balisacan said.

The pursuit of fair market competition serves as a national priority, and is in line with the Philippine Development Plan (PDP) 2017-2022 and the Administration's 0+10-point socioeconomic agenda.

The antitrust chief further said that “the effective enforcement of competition laws relies on the continued collective interest and support of policymakers, advocates, academics, and most especially, the business sector and the consumers.”

Attended by over 200 representatives from consumer groups, trade and business associations, micro-small-medium enterprises (MSMEs), civil society organizations, and members of the business community, the fora also served as venue to discuss various types of anti-competitive conduct, abuses of dominant position in the market, merger reviews, and international best practices in implementing competition law and policy.

During the forum, members of cooperatives and consumer groups asked the PCC about its mandate in ensuring fair competition among MSMEs, given that the ASEAN integration has come to fore. One participant likewise raised questions regarding the PCC's initiative to conduct sector reviews in assessing competition issues in various industries, especially in the fields of insurance, pharmaceuticals, and employment. There were also inquiries regarding the increase of choices in the market and its implication on competition.

Moreover, participants from trade and business associations expressed to the PCC their concerns on outdated laws and policies, which considerably restrict the entry of new players and discriminate against foreign investments. The PCC also answered questions about its role in ensuring ease of doing business and its contribution to the country's overall competitiveness.

Other concerns raised include the identification of thresholds for dominance in relevant markets, establishment of commercial courts, and drafting of guidelines for the Implementing Rules and Regulations (IRR) of the PCA and rules of procedures, especially since the two-year transitory period will expire on August 08, 2017.

During the transitory period, affected parties may renegotiate agreements or restructure their businesses to comply with the provisions of the PCA. After August 8, however, violations of the PCA shall be subject to full administrative, civil, and criminal penalties prescribed by the law if violations continue and are not cured.

Aside from Chairman Balisacan, the public fora also brought together a high-level roster of speakers from the PCC, including Commissioner Johannes Benjamin R. Bernabe, Commissioner Amabelle C. Asuncion, Executive Director Gwen G. de Vera, Competition Enforcement Office (CEO) Director Orlando P. Polinar, Economics Office (EO) Director Benjamin E. Radoc, Jr., and Mergers and Acquisitions Office (MAO) Director Krystal Uy-Sia, among others.

Atty. Alicia Juliet U. Salita, Head of Legal and Compliance Department of ING Bank N.V., also served as a resource speaker. She discussed the business perspective of compliance and what the industry has learned in developing a competition law and policy.

Participants were mostly representatives of various consumer and business groups, civil society organizations, legal firms, government agencies, media, and the academe, including the University of the Philippines Institute of Small Scale Industries, Blas Ople Center, Drug Stores Association of the Philippines, Internet Society PH, National Labor Relations Commission, Small Enterprise Research and Development Foundation, American Chamber of Commerce, Barcenas and Partners Law Office, Philippine Plastics Association, Business Mirror, Philippine Consumer Centric Traders' Association, and the Filipino-Chinese Business Club.



Competition Law Policy

Basic Principles

- 1. Competition Law is a public law
- 2. Competition Law is a private law
- 3. Competition Law is a public law
- 4. Competition Law is a private law

GALLERY

PUBLI



IC FORA ON PCA





KEY PCC ACHIEVEMENTS HIGHLIGHTED IN 7TH ASEAN COMPETITION CONFERENCE

The Philippine Competition Commission (PCC) joined competition authorities from the Asia-Pacific belt at the 7th Association of Southeast Asian Nations (ASEAN) Competition Conference in Selangor, Kuala Lumpur, Malaysia on March 7-10, 2017.

Deemed as the General Assembly for competition authorities from the member-states of the ASEAN, the conference served as a hub to advocate the development of Competition Policy and Law (CPL) within the region by encouraging the building of strong institutional and enforcement mechanisms.

For the first panel discussion, PCC Executive Director Gwen G. De Vera and Malaysia Competition Commission (MyCC) member Dato Ahmad Hisham bin Kamaruddin shared their experiences as relatively new competition agencies. Topics discussed include challenges of new agencies, training and talent retention, building political support and strengthening stakeholder commitment, priority-setting and resource allocation, as well as transparency and accountability.

"It is within this context that PCC has a challenge of establishing itself as an independent regulatory body to ensure the integrity of its processes, while at the same time making sure that the processes, particularly closest to our stakeholders, to the service that we provide, are fair and transparent," De Vera said.

The PCC is the youngest competition body with a year of experience the Asia-Pacific, following the enactment of the Philippine Competition Act in 2015. In the region, the Philippines was the 2nd to the last out of 10 countries to have passed and enacted a competition law, with Cambodia being the lone member-state now working on drafting its competition law and creating its enforcing body.

De Vera also served as moderator for another breakout panel discussion on Balancing Public Policy Considerations with Teresa Moreira, Head of Competition and Consumer Policies Branch in the United Nations Conference on Trade and Development (UNCTAD), and Antonio Gomes, Head of the Competition Division in Organisation for Economic Co-operation and Development (OECD).


The speakers highlighted public interest considerations in enforcing competition laws and exemptions from competition. They all agreed on the major roles of competition authorities and sector regulators in promoting market competition.

The convention is instrumental in fostering the promotion of competition policy for regional progress despite differences in socioeconomic developments, legal institutions, as well as the lack of competition culture and regulatory frameworks across countries.

With this year's theme "ASEAN@50: Managing Change in a Competitive ASEAN", the conference was hosted by MyCC and co-organized by the ASEAN Experts Group on Competition (AEGC), the ASEAN Secretariat, and the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) Economic Cooperation Support Programme (AECSP) and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, upon commission of the German Federal Ministry for Economic Cooperation and Development (BMZ).

De Vera was joined by Penelope Endozo from the Communications and Knowledge Management Office, and Jessmond Elviña of the Economics Office, as the Philippines' representatives in the said annual conference.



A photograph of Chairman Arsenio M. Balisacan speaking at a podium. He is wearing a dark suit, a white shirt, and a pink patterned tie. He is looking slightly to his right. The background shows a blurred view of a building with arches. A large black diagonal graphic is overlaid on the right side of the image, containing the title and text.

ANTITRUST CHAIR MEETS PRESIDENTIAL SPOKESPERSON, MALACAÑANG PRESS CORPS

Chairman Arsenio M. Balisacan shared the state of market competition in the Philippines with Presidential Spokesperson Ernesto Abella and the Malacañang Press Corps (MPC) on January 31, 2017 in the Chairman's bid to reach a larger audience and raise the profile of the Philippine Competition Commission (PCC).

Balisacan introduced the mandates and functions of the PCC, which are anchored on the three (3) pillars of the Philippine Competition Act (PCA)—anti-competitive agreements, abuse of dominant position, and anti-competitive mergers and acquisitions.

The briefing came a day before the PCC's first anniversary on February 1, making it an opportune time to highlight the achievements of the Commission to the public.

Most of the questions asked by reporters involved consumer welfare, a point elaborated by Balisacan to delineate the PCC from the Department of Trade and Industry. "The pressure of competition enhances efficiency and productivity growth in all businesses, industries or areas of the country," he said. "When businesses compete, consumers benefit further through lower prices, better quality of goods and services, and more choices in markets."

Balisacan is no stranger to the Palace grounds, having served various high-level positions in the past, the most recent of which was a seat in the Cabinet of the previous administration as socioeconomic planning Secretary and National Economic and Development Authority Director-general. This media briefing is, however, his first time to address the press in Malacañang as head of the PCC.



ADVOCACY ACTIVITIES

PH ANTITRUST CHIEF MEETS WITH THE LEGAL COMMUNITY TO FORGE PARTNERSHIP

A well-functioning competition regime awaits businesses and consumers as the Philippine Competition Commission (PCC) calls for partnership with the legal community in building a culture of competition in the Philippines during a seminar on judicial enforcement of competition law, held on March 29 in Pasig City.

Recognizing the fundamental role of the legal community in interpreting and implementing the law, PCC Chairman

Arsenio M. Balisacan emphasized that a judiciary familiar with competition policy and law is a critical element in building a culture of fair market competition. He likewise acknowledged the contributions of international development communities, sector regulators, national government agencies, and the academe in ensuring a policy environment that promotes a fair and competitive market.

In support of the PCC's advocacy of fostering partnership with the legal community, Dr. Antonio GM La Viña, former dean of the Ateneo School of Government and PCC consultant, proposed a framework for capacity development in competition law enforcement, which will provide a baseline assessment of the capacity and training needs of lawyers and judges, and propose mechanisms to advance competition advocacy and capacity building initiatives within the legal community. The said framework specifically recommends a two-tiered approach – capacitating both the PCC and the legal community.

Dr. La Viña further proposed that, in ensuring that the design of the institutional and business environment is conducive for business, the PCC must build its capacity in terms of fact-finding and conducting preliminary inquiries on competition violations. On the other hand, in developing the capacity of the legal community, sector regulators, and other government agencies, conceptual training of the basics of competition policy and of the interaction of different actors in the competition environment must be undertaken.

The other speakers include PCC Commissioner Stella Luz A. Quimbo, Executive Director Gwen G. de Vera, Competition Enforcement Office Director Orlando P. Polinar, Ambassador Asif Ahmad of the British Embassy, and Atty. Alfredo Molo III of the UP College of Law.

The seminar was conducted by the PCC, in partnership with the British Embassy, to build awareness within the legal community on the aspects of the PCA relevant to competition law enforcement.



1ST NATIONAL TELECOMS SUMMIT HIGHLIGHTS COMPETITION ISSUES

Philippine Competition Commission (PCC) Commissioner Johannes R. Bernabe highlighted competition issues in the telecommunications industry on the second day of the 1st National Telecommunications Summit held on March 10, 2017 at the Philippine International Convention Center.

Hosted by the Department of Information and Communications Technology (DICT) – National Telecommunications Commission (NTC), and in partnership with the Philippine Chamber of Telecommunications Operators, the summit provided a platform for dialogue among national government agencies, policy makers, consumers, investors, members of the academe, and other stakeholders to discuss issues on internet

speed, network coverage, and service cost, with the objective of identifying viable solutions to such issues.

During the session on the role of competition in the telecommunications industry, Commissioner Bernabe discussed the PCC's mandate of promoting competition in the market. He noted that the nature of the industry, the services, and all related technologies provide many different opportunities and constraints to competition; and remarked that the PCC, in the exercise of its functions, continues to develop pro-competition solutions taking into consideration such factors peculiar to the telecommunications industry.

Emphasizing the PCC's role as both regulator and policy maker, Commissioner Bernabe outlined the PCC's recommendations for an effective National Broadband Plan. These recommendations include empowering regulators to overcome challenges in the industry; prioritizing the creation of an effective interconnection regime; revisiting the option of unbundling the telecommunications sector; and minimizing government participation in the market, among others.



ECONOMICS OF COMPETITION POLICY TACKLED DURING APEC MEETING

The Philippine Competition Commission (PCC) sent delegates to the Asia-Pacific Economic Cooperation (APEC) First Senior Officials' Meeting and Related Meetings in Nha Trang, Vietnam on February 20-28, 2017.

The meeting envisioned increased cooperation among APEC nations on various sectors including economy, health,

labor, intellectual property, and customs, among others. Director Krystal Uy-Sia of the Mergers and Acquisitions Office (MAO), as well as Ms. Isabela Villamil and Ms. Kirsten dela Cruz of the Economics Office (EO) represented the Philippines in the plenary sessions of the Economic Committee and Competition Law and Policy Group (CLPG).

The CLPG spearheaded a workshop on the

Economics of Competition Policy, which focused on dealing with horizontal and vertical cartels, merger cases, competition enforcement amidst the high technology markets, and practical experiences of other APEC member countries. Ms. Villamil said that the learnings during the workshop "will further guide the Philippine antitrust body in drafting the guidelines for mergers and acquisitions, and enforcement"

1ST QUARTER PCC PRESS CONFERENCE HEADLINES COMPETITION CHAPTER IN PHILIPPINE DEVELOPMENT PLAN

The Philippine Competition Commission (PCC) organized its first quarterly press conference on March 30, 2017, setting the record straight on issues involving the competition watchdog.

Chairman Arsenio M. Balisacan, Commissioner Stella Luz A. Quimbo, and Executive Director Gwen G. De Vera gave a presentation on recent developments and updates in the Commission.

Commissioner Quimbo shared the PCC's role in the Administration's pursuit of its Philippine Development Plan (PDP). For the first time in the history of socioeconomic planning, the PDP for 2017-2022 has a stand-alone chapter dedicated to safeguarding and promoting competition in Philippine markets. "This is a clear signal that the government fully supports and acknowledges the critical role that the competition law and the PCC play in our economic development," Quimbo said.

Quimbo also shared how the Philippines is faring in the Global Competitiveness Index, which assessed the competitiveness of 168 countries. It showed that the competition

environment in the country remains weak and there is a need to further improve business dynamism, product market efficiency, and market size in the country.

Chairman Balisacan provided the overview and updates on the PCC's enforcement activities, which include highlights in mergers and acquisitions, as well as engagement with the legislative and regulatory domains.

In particular, Chairman Balisacan laid out the recommended policy reforms in competition for the National Broadband Plan (NBP).

"The objective of the NBP is to ensure that all Filipinos will reap the benefits of broadband, address challenges in the sector, and accelerate broadband deployment," Balisacan said, quoting the PCC's position paper.

"The PCC supports the DICT in its efforts to improve broadband services in the country." The seven main recommendations include: (i) the need to empower regulators such as PCC and the National Telecommunications

Commission (NTC) to enforce laws, (ii) to impose "Significant Market Power Obligations" to dominant players, (iii) to improve spectrum management policy, (iv) implement an effective interconnection regime, (v) increase market contestability through focused government intervention, (vi) the need to impose unbundling or functional or structured separation of wholesale from retail operations of suppliers, and (vii) promote investment in unserved areas.

De Vera shared to the media the PCC's inputs and comments on other legislation such as the Public Services Act and the Philippine Telecommunications Act. "These efforts are meant to redesign the policy environment in a manner that is consistent with competitive markets," said De Vera.

Over 40 journalists and representatives from different news organizations attended the event, indicating the PCC's widespread involvement in different industries and stakeholders.

GCR HOLDS 6TH ANNUAL ASPAC LAW LEADERS FORUM

Philippine Competition Commission (PCC) Chairman Arsenio M. Balisacan spoke before international competition authorities during the 6th Annual Asia-Pacific Law Leaders Forum held on March 2-3, 2017 in Singapore.

The said forum was organized by the Global Competition Review (GCR) Live to bring together regulators from international jurisdictions and foster learning from newer

competition regimes, particularly within the Association of South East Asian Nations (ASEAN) region.

Alongside antitrust experts and competition authorities from ASEAN member states, Chairman Balisacan shared the PCC's achievements during its first year, and stated the Commission's targets and plans for the coming years. The Philippine delegation also included Atty. Amos Adriano of the PCC.

PCC PARTICIPATES IN ATENEO'S TALAB

In its thrust to remain steadfast in informing and educating the public about the benefits of fair market competition, the Philippine Competition Commission (PCC) participated in this year's Talakayang Alay sa Bayan (TALAB), hosted by the Loyola Schools of the Ateneo de Manila University (ADMU).

During the said event, PCC Economics Office Director Benjamin F. Radoc introduced the role of the Commission and its commitment towards ensuring market competition and promoting consumer welfare. He also explained how anti-competitive practices

potentially harm both businesses and consumers and impede the country's economic growth.

The said presentation also covered a discussion on various provisions stated in the Philippine Competition Act (PCA), steps in conducting merger review, importance of facilitating market studies, and enforcement of a national competition policy.

TALAB is a series of simultaneous talks that aim to provide ADMU students, faculty, and staff an opportunity for alternative learning regarding various current social issues.

BALISACAN DISCUSSES PH COMPETITION LANDSCAPE WITH BUSINESS JOURNALISTS

A stable of business-heavy and economic-savvy speakers brought light to the most curious of audiences at the Business Journalism Seminar by the Economic Journalists Association of the Philippines (EJAP) held in Kamana Sanctuary, Subic, Zambales on March 11, 2017

Chairman Arsenio M. Balisacan of the Philippine Competition Commission (PCC) gave an overview of the state of competition in the Philippines to over 50 reporters from different news organizations and areas of coverage. Specifically, he shared the main points of the Philippine Competition Act (PCA) and PCC's role in implementing the law.

"Why is competition important? Because it drives efficiency, fuels productivity, and brings down prices, resulting in higher incomes and more equitable spread of wealth," he said.

Chairman Balisacan was also asked how the Philippines fared compared with its counterparts in Asia. The chairman said that the PCC is part of the belt of more than 120 jurisdictions around the world that have competition enforcement laws. In ASEAN, the Philippines is one of the last member states to enact a competition law. He proceeded by highlighting the PCC's achievements in the past year.

Joining Chairman Balisacan were Department of Finance (DOF) Undersecretary Karl Chua, who spoke on tax reforms; Congressman Joey Salceda, who discussed various legislative agenda affecting the economy; and Redi Allan Remorosa from the National Grid Corporation of the Philippines, who led the talks on the transmission development plan.

BALISACAN: LAWYERS AND ECONOMISTS SHOULD WORK TOGETHER IN SHAPING COMPETITION POLICY

PCC Chairman Arsenio M. Balisacan discussed how law and economics come together in shaping competition policy in the country at the Integrated Bar of the Philippines' (IBP) 16th National Convention of Lawyers held on March 24, 2017 at Marriot Hotel, Pasay City. In his address to IBP members, Balisacan emphasized the need for lawyers and economists to work together, noting that competition law is changing, not only the way that private businesses are conducted in the Philippines, but also how the public sector crafts legislation and regulations.

VARIOUS MEDIA APPEARANCES AND INTERVIEW

•Executive Director Gwen G. De Vera with Mich Orosa-Ople on TV5 on Jan. 31, 2017

•Chairman Arsenio M. Balisacan with Quintin Pastrana and Regina Lay on Starting Gate, Bloomberg TV Philippines on Feb. 1, 2017

•Chairman Arsenio M. Balisacan with Cathy Yang on Market Edge, ANC on Feb. 2, 2017

•Spokesperson Leni Papa with Annie Rentoy and Atty. Dot Gancayco on Serbisyon Kasangbahay, UNTV on Feb. 2, 2017

•Executive Director Gwen G. De Vera with Cris and Monchette Laraño on Mag-Usap Tayo, DWIZ on Feb. 18, 2017





CAPACITY BUILDING

US-FTC TRAINS PCC IN HANDLING MERGER CASES

The Philippine Competition Commission (PCC) collaborated with the United States Federal Trade Commission (US FTC) in conducting the “Workshop on Merger Review and Analysis” held on January 17-19, 2017 in Pasig City.

The three-day workshop aimed to develop the practical and substantive skills of PCC lawyers and economists in conducting economics-based review of mergers that are

at par with recommended practices of the International Competition Network (ICN).

US FTC international competition experts Nicholas J. Franczyk and Timothy T. Hughes invoked critical thinking on the part of participants by simulating scenarios on merger transactions and by sharing best practices on legal principles of market competition, analytical frameworks, and investigative techniques.



US GOVERNMENT PARTNERS WITH PCC FOR TECHNICAL CONSULTATION ON ELECTRICITY MARKET

The PCC, in partnership with the United States -Federal Trade Commission (US-FTC) and the US-Department of Justice (DOJ), organized a technical consultation on the electricity market on February 1-3, 2017 in Ortigas, Pasig City.

The consultation covered a cursory review of electric power markets in the United States. Dr. John C. Hilke, economic consultant and a former economist at the US-FTC, and Atty. Mark J. Niefer of the US-DOJ, served as resource speakers.

Mr. Hilke discussed the evolution of the electric power industry, covering the interaction between technology and regulation in the industry, as well as current restructuring issues in the US. Mr. Niefer, meanwhile, discussed the structure and economics of wholesale power markets and

unilateral and coordinated effects in power markets. Both speakers also presented case studies on mergers and conduct of investigations in the industry. Simulation exercises were also conducted to develop the skills of investigation teams.

Mr. Philip Adviento, Manager of Training and Communications of the Philippine Electricity Market Corporation (PEMC), was also present during the consultation and provided an overview of the Philippine Electricity Market, and discussed local power market issues.

PCC Commissioners and selected staff participated in two (2) roundtable discussions with electricity experts held on the last day of the consultation.

PCC ENFORCEMENT OFFICE BUILDS CAPACITY IN FRAUD DETECTION

A member of the Competition Enforcement Office (CEO) underwent a training program entitled “Facilitated Study Sessions for the Certified Fraud Examiner Certification,” which consisted of 12 sessions from March 4, 2017 to May 27, 2017. Four major disciplines were discussed in the sessions with topics such as financial transaction and fraud schemes, law, investigation, and fraud prevention and deterrence. The Certified Fraud Examiner (CFE) credential denotes proven expertise in fraud prevention, detection and deterrence. CFEs are trained to identify the warning signs and red flags that indicate evidence of fraud and fraud risk. The program is being organized and conducted by the Association of Certified Fraud Examiners-Philippine Chapter in Makati City.

TRAINERS’ TRAINING ON COMPETITION LAW AND ECONOMICS

The PCC, in partnership with the British Embassy Manila, held a training of trainers and pilot testing of the module on competition law and economics on March 10, 2017 at Richmonde Hotel, Pasig City.

The training was organized to assess, validate, and ensure the relevance of the module produced by the PCC, which was based on the Seminar Series held in September 2016. Moderated by PCC Commissioner Stella Luz A. Quimbo, the training provided a platform for participants to provide comments on the module and recommend options for the integration of competition law and economics in the law school and pre-judicature curricula.

EPDP ORGANIZES TRAINING ON BASIC ECONOMICS AND ITS APPLICATIONS TO ENERGY AND CLIMATE CHANGE

The Energy Policy and Development Program (EPDP) organized a training course on “Basic Economics and its Applications to Energy and Climate Change” on March 20-22, 2017 in Diliman, Quezon City.

The training course integrated basic principles of macroeconomics and microeconomics with policy analyses of current development issues of the Philippines, particularly in the energy sector. The discussions on fundamentals of markets introduced the types and roles of players in a market, market structures and mechanisms, firms’ profit maximization theory, and instruments in regulating natural monopolies.

PCC BOOSTS CAPACITY FOR BASIC ELECTRONIC EVIDENCE RECOVERY

Members of the Competition Enforcement Office (CEO) and Mergers and Acquisitions Office (MAO) of the Philippine Competition Commission participated in a digital forensics course entitled “Basic Electronic Evidence Recovery” on February 6-10, 2017 at the National University in Manila.

The course was designed to capacitate law enforcement authorities in digital forensics and enhance their abilities in understanding the process of identifying relevant and competent electronic evidence pertinent to a live case. The five-day course included 10 modules that enabled participants to learn valuable techniques which included the proper collection and processing of electronic evidence in a manner that could

support or further an investigation or prosecution.

Other participants included officers from the Department of Information and Communications Technology and National Privacy Commission as well as investigators, prosecutors, and public attorneys from the Public Attorney’s Office Department of Justice, National Bureau of Investigation, Philippine National Police, and Philippine Drug Enforcement Agency.

Participants from PCC were lawyers Genevieve Jusi and Hilario Escoro, Jr. from CEO and Charles Icasiano, Michael Herrera, Juan Antonio Arcilla and Anya Palileo from MAO.



COMPETITION ECONOMICS WORKSHOP HELD FOR ASEAN ANTITRUST AGENCIES

PCC economists Philip Libre and Shanti Aubren Prado joined representatives of other competition agencies from the Association of Southeast Asian Nations (ASEAN) in the Competition Economics in Practice workshop held in Brunei Darussalam on February 7-9, 2017.

The workshop, which was supported by the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) Economic Cooperation Support Program, was organized as part of the Competition Law Implementation Program (CLIP).

The workshop was organized to provide competition officials in ASEAN with tools to direct and engage in economic thinking and analysis. Experts from Australia, New Zealand, and Singapore served as resource speakers during the workshop and discussed how economics is applied in competition law. The workshop also served as a platform for different competition authorities to discuss case studies, share the experiences of their respective agencies, and exchange ideas on the practice of economics in competition law.



GERMAN COMPETITION AUTHORITY HOSTS 18TH ICC AND 3RD WORKSHOP FOR YOUNG ANTITRUST BODIES

The German competition authority Bundeskartellamt spearheaded the 3rd Workshop for Young Competition Authorities (3rd Workshop) and 18th International Conference on Competition (18th ICC) on March 15-17, 2017 in Berlin, Germany.

PCC Chairman Arsenio M. Balisacan and Commissioner Stella Luz A. Quimbo were among the international high-ranking delegates from various competition authorities, academia, and other competition stakeholders. These events discussed the current and internationally-relevant issues in competition policy and law.

During the 3rd Workshop, panel discussions expounded strategies for

successful advocacy with governments and other stakeholders, and practical recommendations for successful conduct of market studies.

Recommendations from the 3rd Workshop were contextualized within limited political and logistical resources.

In the 18th ICC, competition experts discussed the role of competition authorities in effectively regulating digital markets. Topics presented include the: 1) economic implications of mergers in the telecommunications sector, 2) appropriate versus over-regulation in fast-paced technology industries, 3) accuracy of economic tools in assessing innovation, and 4) evolution of leniency programs and cartel detection instruments in modern industries.

PCC PARTNERS WITH WORLD BANK GROUP IN ANTI-CARTEL ENFORCEMENT WORKSHOP

As part of its constant commitment towards a more effective implementation of competition policy, the PCC, in partnership with the World Bank Group (WBG), conducted a three-day workshop on Promoting Effectiveness in Anticartel Enforcement: Investigative Methods, Interrogation Techniques and IT Forensics last Feb. 21-23, 2017, Pasig City.

International competition experts, discussed various investigative methods and interrogation techniques for a more effective enforcement of anti-cartel laws and policies worldwide.

In covering the practicalities of cartel investigation and evidence gathering, Senior Economist of the World Bank Group and Competition Policy Specialist Atty. Graciella Miralles Murciego explained that, "the only way to make a tight case is through hard, direct, and substantial evidence. You have to be good in interrogation."

The said workshop also tackled various issues usually encountered by foreign competition authorities in conducting dawn raids, extracting and seizing data from devices using IT forensics, and managing investigations. Participants included high-level PCC officials, employees, partner government agencies, and competition specialists from the academe.

Aside from Dr. Murciego, other international experts present included Investigations and Intelligence Unit Director Haim Arbiv and Senior Investigator Gadi Perl, both from the Israeli Antitrust Authority; Federal Economic Competition Commission (COFECE) Cartel Investigations Unit Director Victor Meyer; and principal in the antitrust, securities, and financial regulation practices of New York's Global Economics Group Prof. Rosa Abrantes-Metz.

STRENGTHENING PCC'S CAPACITY IN MERGER REVIEW

Atty. Ma. Lourdes C. Polido and Carlos A. Tolentino II joined participants from other ASEAN member states in the Sub-Regional Workshop on Investigation Techniques on Merger Review held on March 27-29, 2017 in Vietnam. The workshop featured presentations on investigative tools and investigation plan, economic evidence in merger analysis, and international cooperation and merger control, among others. The workshop was supported by the Japan-ASEAN Integrated Fund (JAIF), with the aim of strengthening the capacity of ASEAN member-states in enforcing and promoting cross border cooperation in competition law.

PCC GEARS UP FOR CROSS-BORDER ENFORCEMENT WITH ASEAN COMPETITION BODIES

Competition Enforcement Office (CEO) Director Atty. Orlando P. Polinar and Mergers and Acquisitions Office (MAO) Director Atty. Krystal Uy-Sia joined 21 other representatives from across the ASEAN region, in a three-day training course on promoting cross-border enforcement in Asia-Pacific countries, which was conducted on January 11-13, 2017 in Tokyo, Japan.

Participants engaged in discussions on investigation procedures on international cartel cases, means of determining extraterritorial application of competition law, steps to gather and handle digital evidence, and exploring the forms of international cooperation between competition agencies. The training sought to equip competition agencies with the necessary skills to handle future cross-border anti-competitive conduct. It likewise served as a venue in sharing experiences of competition in cross-border enforcement.

The said training was hosted by the Japan Fair Trade Commission (JFTC) and funded by the Japan-ASEAN Integration Fund (JAIF), in cooperation with the Commission for the Supervision of Business Competition of Indonesia (KPPU).

SEMINAR ON CONSUMER THEORY AND COMPETITION

The PCC's Economics Office (EO) spearheaded the seminar on basic concepts and principles of consumer theory on March 24, 2017. Economist Jessmond Elvina, who served as lecturer, emphasized that consumer theory is crucial in competition enforcement. It is used in analyzing mergers and acquisitions cases to define important economic indicators, such as relevant markets, product substitutability, and consumer welfare.

PCC PARTICIPATES IN OXFORD UNIVERSITY SEMINAR SERIES

PCC Spokesperson Atty. Leonila Papa attended a seminar series on the Global Dimension of Competition Law, organized by the University of Oxford in England on February 27 to March 3, 2017. During the seminar, Atty. Papa presented the historical development of the Philippine Competition Act, the mandate and powers of the PCC, and the challenges and opportunities that it is facing in creating a culture of competition in the Philippines.

GLOBAL ANTITRUST INSTITUTE HOLDS SEMINAR ON ECONOMIC FOUNDATIONS OF COMPETITION LAW

Atty. Christian Loren B. Delos Santos of the Competition Enforcement Office (CEO) participated in a week-long seminar designed to build an understanding of the economic foundations of antitrust and competition law. The seminar also aimed to illustrate how economic analysis is applied to current and emerging antitrust issues. It was designed for foreign judges and competition officials, who regularly deal with antitrust and competition issues while presuming no prior economics training. Organized by the Global Antitrust Institute, Scalia Law School, George Mason University, the seminar was held on March 12-17, 2017 in Dubai, United Arab Emirates.

PCC AND IRISH COMPETITION AUTHORITY FORGE TIES TO BOOST CAPACITY

Commissioner Amabelle C. Asuncion and Atty. Melbourne Pana together with Asec. Ortha and Ms. Agtarap of the Department of Justice-Office for Competition (OFC), met the officials of the Irish Competition and Consumer Protection Commission (CCPC) last March 13-17, 2017 for a study visit. The PCC and CCPC exchanged insights and experiences on cartel enforcement, including the conduct of investigations, case build-up, handling of economic evidence, establishing standards and guidelines in enforcement, and building a competent enforcement team.

MAPPING COMPETITION ISSUES IN E-COMMERCE INDUSTRY

Economists Shanti Aubren Prado and Meg Regañon of the Philippine Competition Commission joined government officials, academics, and practitioners at the Symposium on E-Commerce, ASEAN Economic Integration, and Competition Policy and Law held in Singapore on March 16, 2017. Hosted by the Competition Commission of Singapore (CCS) and the Institute of Southeast Asian Studies (ISEAS), the Symposium featured country studies from the Philippines, Singapore, Malaysia, Vietnam, Indonesia, and Thailand on e-commerce and its dynamics with competition policy and law.

Representing the Philippines, Mr. Prado and Ms. Regañon presented the PCC's research paper entitled "Competition and E-commerce in the Philippines," which surveyed the e-commerce landscape in the Philippines. Key findings indicate that the take-up of e-commerce among Philippine businesses is low despite having a large internet base and mobile phone users in the country. Further, by examining

the empirical link between e-commerce, competition, and firm productivity among Philippine businesses, the paper notes that e-commerce is not yet significant in explaining variations in firm productivity while competition is significant. The paper also points out that slow internet speed, limited use of e-payment services, cybersecurity and data privacy issues, and logistics concerns in the country hinder businesses and consumers from realizing the potential gains from e-commerce.

With the growing importance of e-commerce in the Philippines, this research aims to contribute to the literature on e-commerce and competition. Papers presented during the Symposium, including the Philippine country study, will be published by the CCS and ISEAS as part of a compendium on e-commerce and competition in the ASEAN region.

COMPETITION AGENCIES CONVENE IN 65TH ANTITRUST LAW SPRING MEETING

PCC Commissioner Johannes R. Bernabe served as the country's representative in the 65th Annual Spring Meeting organized by the American Bar Association (ABA) Section of Antitrust Law in Washington DC on March 28-31, 2017. Commissioner Bernabe joined hundreds of competition and consumer protection professionals

from different countries to discuss issues concerning competition and consumer protection laws and policies. The PCC's attendance to the said event is in line with its commitment to keep the agency abreast on global developments and best practices in other competition jurisdictions.

PCC GAINS ADVANCED KNOWLEDGE ON COMPETITION LAW AND POLICY

In pursuit of advanced knowledge on competition law and policy, PCC Commissioner Stella Luz A. Quimbo joined the Seminar on Economics for Competition Law on March 25-26, 2017, at the King's College of London (KCL). Commissioner Quimbo pursued a postgraduate diploma in economics for competition law at the KCL, and her attendance in the said seminar was part of the program's requirements. The said program has been specifically designed

for lawyers both in private practice and in-house, representatives from national competition authorities, and economists specializing in competition economics.

Other PCC officials and staff who also attended programs at the KCL include PCC Commissioner Johannes Bernabe, Director Krystal Uy-Sia, and Bela Villamil.

PCC OFFICIALS, EMPLOYEES UNDERGO MEDIA TRAINING

It's all fun and games until someone gets quoted—or misquoted—in the media.

This seems to be the case for the participants of the 1st Media Training and Message Development Workshop by the Philippine Competition Commission (PCC) on March 14, 2017.

As the antitrust agency rears its head into the public sphere, its Communications and Knowledge Management Office (CKMO) finds more reason to brief the watchdog agency's personnel and officials on how to deal with the media.

Penelope Endozo, Cristina Lazo, Jun Ebias, and Director Clarissa C. David of CKMO gave lectures on the importance of the press, a rundown of interview techniques, and pragmatic tips on how to grant proper interviews and responses to the media.

"Public relations is not just all about good news. It is managing the image, reputation, and credibility of the institution. This media training aims to make PCC personnel and officials aware, media-savvy, relevant, and newsworthy to the wider audience—our stakeholders and consumers," Endozo said.

The speakers were all media practitioners prior to joining the PCC. Endozo used to work for the Philippine Daily Inquirer, Lazo previously worked with TV5 and Bloomberg TV Philippines, while Ebias was formerly with Thomson Reuters and Bloomberg Wires.

The lectures were followed by scenarios where select members of the workshop had a chance to "face the media" and respond accordingly.

PCC EMPLOYEES JOIN BASIC EMERGENCY RESPONSE TRAINING

Representatives from the different units of the PCC attended a 3-day seminar on Basic Emergency Response conducted by the Metro Manila Development Authority (MMDA) on March 6-9, 2017 in Tagaytay City. The seminar included lectures, demonstrations and examinations on Basic Trauma, Cardio – Resuscitation, Foreign Body Airway Obstruction, Lifting and Moving, and Mass Casualty Incident (MCI). The third day involved a simulation on Practical and Mass Casualty Incident (MCI). The activities aim to teach government employees how to prepare for and respond to emergencies and calamities.

INDIVIDUAL PERFORMANCE COMMITMENT AND ASSESSMENT ORIENTATION

The Human Resource Development Division (HRDD) conducted an orientation on the use of Individual Performance Commitment and Assessment (IPCA) to all PCC employees on March 3, 2017. Supervisors and employees were informed of the process and procedures for evaluating performance using the IPCA Form. The IPCA is to be used in determining employee performance for the rating period covering January to June 2017 pending the implementation of a Civil Service Commission-approved Strategic Performance Management System.

CSC ORIENTS PCC ON PUBLIC SECTOR UNIONISM

The Civil Service Commission (CSC) conducted an orientation on public sector unionism to educate PCC officials and staff on their right to self-organize, as well as the rights and privileges of employee associations. The resource speaker, Florie Joyce N. Navarra, also provided guidelines in registering and accrediting unions to be able to start collective negotiations for entitlement to various benefits that are in accordance with issuances/circulars of the CSC and the Department of Budget and Management. The orientation was conducted on January 20, 2017.

HR CONDUCTS ORIENTATION FOR NEW PCC EMPLOYEES

The Philippine Competition Commission (PCC) – Administrative and Legal Office (ALO), in collaboration with the Government Service Insurance System (GSIS), Philippine Health Insurance Corporation (PhilHealth), Home Development Mutual Fund (HDMF), National Bureau of Investigation (NBI), and Employees' Compensation Commission, organized a two-day New Employees' Orientation on February 6-7, 2017, discussing the PCC's organizational profile, human resource management policies, and employee benefits. PhilHealth, HDMF, GSIS, and NBI also set up on-site kiosks to facilitate updating of employee records and issuance of identifications cards and clearance.



LEARNINGS AND TAKEAWAYS

Atty. Charles David Icasiano of the Mergers and Acquisitions Office (MAO) and Atty. Marielle Delfin of the Competition Enforcement Office (CEO) were seconded to the Australian Competition and Consumer Commission (ACCC) from October 4 to December 9, 2016, pursuant to the Competition Law Implementation Program under the ASEAN Australia New Zealand Free Trade Agreement.

The secondment was an enlightening experience that gave me a great insight into how substantial lessening of competition, the anti-competitive effects of other



One of the key things I learned during my secondment to the Australian Competition and Consumer Commission (ACCC) was that the heart of competition law is “constraint.” Firms engage in anti-competitive conduct because they want to reduce or eliminate constraints, whether horizontal (competitors) or vertical (suppliers and buyers). It is the reduction or elimination of constraints that results to a “substantial lessening of competition (SLC)” – a recurring element in many antitrust offenses.

Also, the online course “Foundations: Competition Law and Economics” that I took as part of the secondment program introduced me to various competition law concepts such as relevant markets, agreements resulting to SLC, and abuse of dominance. My understanding of these

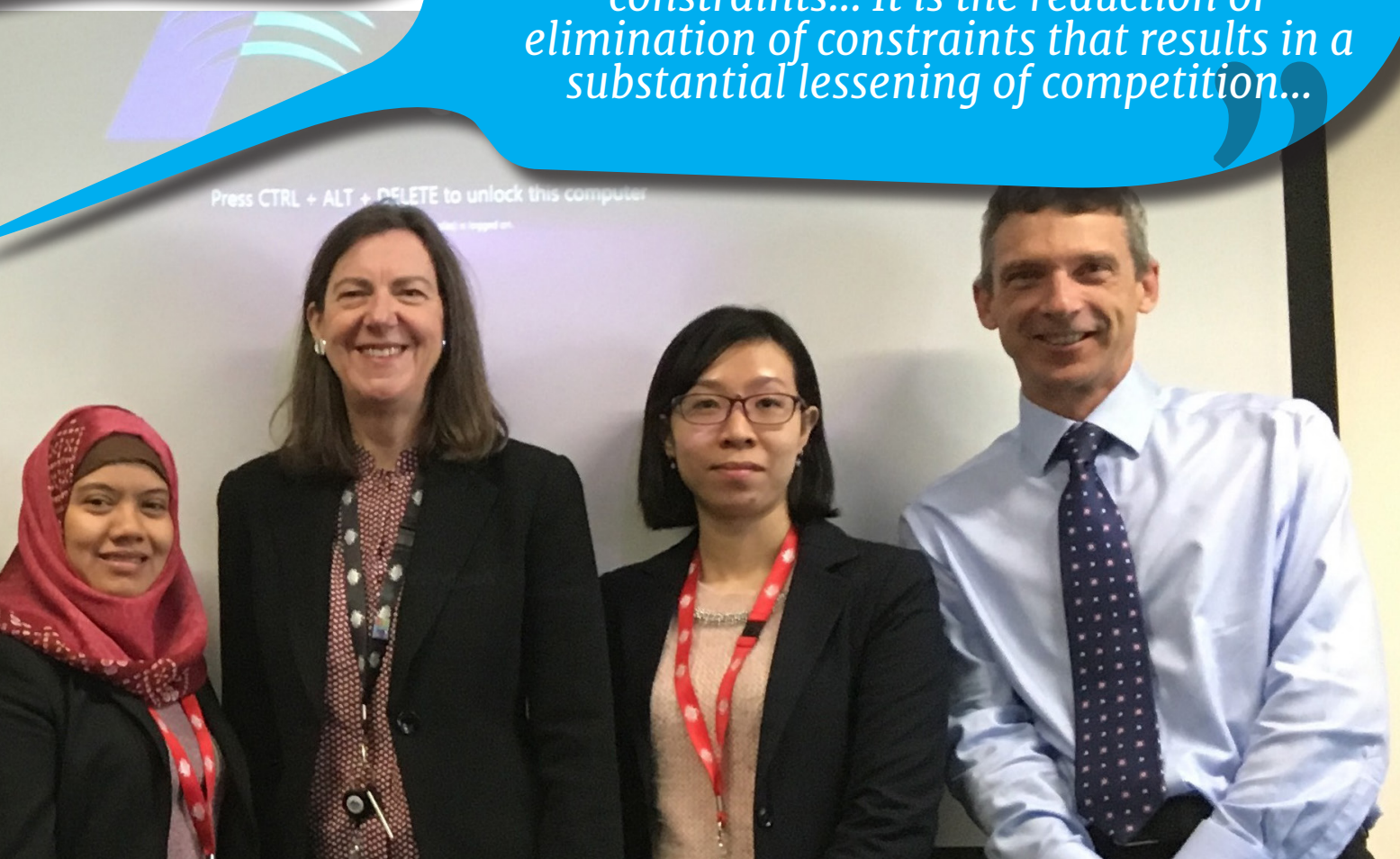
concepts was reinforced when ACCC investigators discussed them in the context of actual cases that they had handled.

Moreover, ACCC investigators, who have many years of experience behind them, shared their knowledge on matters relating to investigative work such as the types of evidence used to prove an offense, methods of obtaining these pieces of evidence, and practical issues that may arise in the course of an investigation. In addition, they taught me how to formulate case theories and investigation plans.

*Atty. Marielle Delfin,
Competition Enforcement Office*

Secondment was an enlightening experience and helped me gain a better understanding of how a substantial lessening of competition theories of harm, and how anti-competitive effects are assessed in other jurisdictions. ”

“One of the key things I learned was that the heart of competition law is “constraint.” Firms engage in anti-competitive conduct because they want to reduce or eliminate constraints... It is the reduction or elimination of constraints that results in a substantial lessening of competition...”



Being seconded to the Mergers Investigation Branch of the Australian Competition and Consumer Commission (ACCC), I had the opportunity to participate extensively in merger investigations conducted in its Melbourne office.

Merger review in Australia is conducted quite similarly to how it is done in the Philippines. One major difference is how third parties treat it in these two jurisdictions. In Australia, stakeholders more actively participate in merger review. Merger parties and even customers voluntarily provide information. They also give their views on the possible effects of mergers. Of course, this openness to competition law can be attributable to the fact that merger review and control have been a feature of Australian commercial

transactions for more than two decades already. The ACCC was established in 1995, when its predecessor agencies Trade Practices Commission (established in 1974) and Prices Surveillance Authority (established in 1983) were merged.

Overall, the secondment was an enlightening experience and helped me gain greater understanding of how a substantial lessening of competition, theories of harm, and anti-competitive effects are assessed in other jurisdictions.

From L-R: Le Thanh Son [Vietnam Competition Authority(VCA)], Julie Glasgow (Competition Law Implementation Program Director, ACCC), Charles Icasiano (PCC), Marielle Delfin (PCC), Sri Isnani Husnayani (Komisi Pengawas Persaingan Usaha), Rayne de Gruchy (Chief Operating Officer, ACCC), Phan Van Hang (VCA), Bruce Cooper (General Manager of the Strategy, Intelligence, International and Advocacy Branch, ACCC)

Location: ACCC Headquarters (Canberra, Australia)

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